

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, APRIL 7, 2003 AT 2:00 P.M.
TABLE OF CONTENTS**

SPECIAL ORDERS OF BUSINESS

ITEM-30:	Approval of Council Minutes.	3
ITEM-31:	UCSD's Cultural Celebration Day.	3
ITEM-32:	Public Safety Dispatcher's Week.	4
ITEM-33:	Dr. Alice Bourke Hayes Day.	4
ITEM-34:	Teresa Stivers Day.	5

**ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION**

* ITEM-50:	Ethics Commission "Clean-Up" Amendments to the San Diego Municipal Code.	6
* ITEM-51:	Residential Permit Parking Area D.	6

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS**

* ITEM-100:	<u>Two</u> actions related to Inviting Bids and Award of Contract for Sewer Pump Station No. 19 Replacement.	6
* ITEM-101:	<u>Two</u> actions related to Inviting Bids and Award of Contract for General Requirements Contract 2003 B - Building Modifications.	9
* ITEM-102:	General Requirements Contract 2003C - Mechanical Systems Contract.	11
* ITEM-103:	<u>Two</u> actions related to Inviting Bids and Award of Contract for Sewer and Water Group 675.	13
* ITEM-104:	General Requirements Contract 2003A - General Engineering Contract.	15
* ITEM-105:	Request for Additional Funding for Sewer and Water Group Job 539 for	

Change Order No. 1.	17
* ITEM-106: Request for Additional Funding for Sewer and Water Group 663 for Contract Change Order No. 4.	18
* ITEM-107: Carmel Valley Trunk Sewer Phase II Participation Agreement.	20
* ITEM-108: Agreement with Little Italy Association for Administration of Maintenance Service for Little Italy Maintenance Assessment District.	21
* ITEM-109: Agreement with Central Commercial District Revitalization Corporation for Administration of Maintenance Service for Central Commercial Maintenance Assessment District.	22
* ITEM-110: Ratification of Award to Lease Various Heavy Duty Equipment Per Bid No. 5283-02-B.	24
* ITEM-111: Kiddie Hall Construction Funds.	25
* ITEM-112: Cancellation of Public Safety and Neighborhood Services Committee Meeting of April 9, 2003.	26
* ITEM-113: Appointment of Management Team for Purpose of Meeting and Conferring with Employee Organizations.	27
* ITEM-114: Riford/La Jolla Library Benefactors' Day Honoring Mrs. Harle Montgomery.	28
* ITEM-115: Riford/La Jolla Library Benefactors' Day Honoring Dr. Irwin Jacobs and Mrs. Joan Jacobs.	28

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
ORDINANCE TO BE INTRODUCED

ITEM-150: Amending the San Diego Municipal Code to Authorize Forfeiture of Nuisance Vehicles Engaged in Illegal Motor Vehicle Speed Contests or Exhibitions of Speed.	29
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ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTION

ITEM-151: Public Contract Operations (Bid-to-Goal) O&M Division: Amendment	20
--	--------------------

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS

ITEM-200: Consultant Agreement - University City North/South Corridor Study. . [31](#)

ITEM-201: Amendment to the Undergrounding of Utilities 2003 Calendar Year Annual
Allocation, and Deletion of Council Policy 600-08. [33](#)

ADOPTION AGENDA, DISCUSSION, HEARINGS
NOTICED HEARINGS

ITEM-202: Various CPUC 20A Underground Utility Districts. [34](#)

ITEM-203: Various Surcharge Funded Underground Utility Districts. [35](#)

PUBLIC NOTICES

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement
Agreement. [36](#)

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, APRIL 7, 2003 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

2/24/2003
2/25/2003
3/03/2003
3/04/2003
3/10/2003
3/11/2003

SPECIAL ORDERS OF BUSINESS

ITEM-31: UCSD's Cultural Celebration Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1139)

Declaring April 12, 2003 to be “UCSD’s Cultural Celebration Day” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-32: Public Safety Dispatcher’s Week.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1091)

Honoring the Public Safety Dispatchers for their many outstanding contributions and service to San Diego;

Proclaiming the week of April 13 through April 19, 2003 to be “Public Safety Dispatcher’s Week” in the City of San Diego.

SUPPORTING INFORMATION:

Public Safety Dispatchers provide a critical service to the City of San Diego by providing emergency services with the information that is necessary to address emergency situations. They are a citizen’s first and important contact with emergency services. Their ability to properly perform their job duties has a major impact on the number of lives that are saved every day in San Diego.

Maienschein

SPECIAL ORDERS OF BUSINESS

ITEM-33: Dr. Alice Bourke Hayes Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-991)

Commending Dr. Alice Bourke Hayes for her outstanding efforts in the field of higher education and for all of her work within the City of San Diego;

Recognizing the accomplishments of Dr. Alice Bourke Hayes for improving the lives of people of San Diego;

Proclaiming April 7, 2003 to be “Alice Bourke Hayes Day” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-34: Teresa Stivers Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1086)

Recognizing Teresa Stivers for her dedication and commitment to San Diego;

Proclaiming April 7, 2003 to be “Teresa Stivers Day” in the City of San Diego.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50 and 51.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114 and 115.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-50: Ethics Commission “Clean-Up” Amendments to the San Diego Municipal Code.

CITY COUNCIL’S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/24/2003 (Council voted 9-0):

(O-2003-119)

Amending San Diego Municipal Code by amending Chapter 2, Article 6, Division 4, by amending Sections 26.0402, 26.0413, 26.0414, 26.0421, 26.0422, 26.0423, 26.0425, 26.0430, 26.0435, and 26.0450, all relating to Investigation and Enforcement procedures for the City of San Diego Ethics Commission.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-51: Residential Permit Parking Area D.

(Clairemont Mesa Community Area. District-6.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/25/2003 (Council voted 9-0):

(O-2003-118 Rev.)

Amending Chapter VIII, Article 6, Division 20, of the San Diego Municipal Code by amending Section 86.2003 relating to Residential Permit Parking.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Two actions related to Inviting Bids and Award of Contract for Sewer Pump Station No. 19 Replacement.

(See memorandum from Frank Belock, Jr. dated 1/8/2003. La Jolla Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-836)

Approving the plans and specifications and inviting bids for the Construction of Sewer Pump Station No. 19 Replacement Project on Work Order No. 175201;

Authorizing the City Manager to establish contract funding phases, to award a contract to, and to execute a contract with the lowest responsible and reliable bidder for the Project, contingent upon: (a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; and (b) the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing an additional expenditure of an amount not to exceed \$4,833,803 from Sewer Fund 41506, CIP-46-106.0, Sewer Pump Station Restorations, for the purpose of providing funds for the Project and related costs, contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriations Ordinance Budgets, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the City Manager to execute an agreement with the California Coastal Commission with conditions necessary to obtain a Coastal Development Permit. (BID-K03836C)

Subitem-B: (R-2003-837)

Stating for the record that the information contained in final Mitigated Negative Declaration LDR-41-0822, including any comments received during the public review process has been previously reviewed and considered by this Council, and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with approval of the construction of Sewer Pump Station No. 19 Replacement Project;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/15/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

Sewer Pump Station No. 19 is located at 201 Birdrock Street in the La Jolla community area. The existing pump station was built in 1950 and has exceeded its service life. The project's goal is to replace and improve the reliability of the pump station and bring it up to current standards and regulations.

The project consists of replacement of the existing pump station, including the construction of an emergency overflow tank, generator, and the installation of approximately 1,430 feet of dual force main. During the construction phase of the project, the contractor's work hours will be between the hours of 8:30 a.m. and 3:30 p.m., Monday through Friday. Furthermore, the site will be fenced for safety during and at the completion of each working day for the duration of the project.

During design, the project manager and project engineer presented the project to the community. Nearby residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution. Traffic plans have been prepared for this project and will be implemented during the construction operations.

Council action is required to advertise and award the project, as well as approve an agreement with the Coastal Commission. The agreement incorporates the conditions necessary to obtain a Coastal Development permit for the project, as set forth in the Coastal Commission Staff Report. The Staff Report includes provisions regarding public access, post construction rip rap maintenance, project's overall aesthetic features, assumption of risk, waiver of liability, and indemnification.

FISCAL IMPACT:

The total estimated cost of this project is \$5,206,844. Funding of \$373,041 was previously authorized by Council Resolution R-292037/293649. This funding was for a consultant design contract. Funds of \$4,833,803 are available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations, for this purpose. This project is scheduled to be phase funded over FY 2004 to FY 2005.

Loveland/Belock/HR

WWF-03-638.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-101: Two actions related to Inviting Bids and Award of Contract for General Requirements Contract 2003 B - Building Modifications.

(See memorandum from Scott Tulloch dated 1/29/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1072)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of General Requirements Contract 2003 B - Building Modifications on Work Order No. 461190;

Authorizing the City Manager to execute a contract with the lowest responsible and responsive bidder, for as-needed construction services for a \$50,000 minimum, not to exceed the value of \$1,000,000 for one year, with an option to extend the contract for up to one additional year and up to \$1,000,000 at the discretion of the City Manager, or his authorized representative, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Fund Nos. 41506, 41508, and 41509, to provide funds for the General Requirements Contract 2003 B - Building Modifications, as follows:

FY 2003 - \$1,000,000

FY 2004 - \$1,000,000, contingent on approval of the FY 2004 operating budget.

provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K03112)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/5/2003, NR&C voted 5-0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

For the last seven years, the City has entered into General Requirements Contracts (GRC), formerly referred to as Job Order Contracts (JOC) with various contractors. The main objective of the General Requirements Contract is to execute maintenance, repair, and emergency general engineering construction projects.

The projects identified for General Requirements Contracting will be assigned to one of three GRC contracts based on the type of work and location within the sewerage system. The three contracts include GRC 2003A - General Engineering; GRC 2003B - Building Modifications, and GRC 2003C - Mechanical Systems. This action is for approval to advertise and award the General Requirements Contract 2003B - Building Modifications in an amount not to exceed \$1,000,000 with an option to extend up to \$2,000,000.

Each General Requirements Contract is competitively procured. The contractor bids a factor or multiplier which is applied to all of the prices in a unit price book, which is part of the contract documents. The contractor with the lowest factor and a responsive, reliable bid is awarded the contract. The City is under no obligation to pay the contractor any more than a \$50,000 minimum contract obligation, and therefore, the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work. Further, the Department Director may use performance and adherence to the contract as criteria to extend the contract for up to an additional year and up to an additional \$1,000,000.

The specific tasks to be executed under this contract have not been identified. All tasks are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 et seq). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional tasks under this contract and such conduct shall be grounds for default by the City. The continuation of the General Requirements Contract will enable the Metropolitan Wastewater Department to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

FISCAL IMPACT:

Funds in the amount of \$1,000,000 for this contract are available in Fiscal Year 2003. Funds for an additional \$1,000,000, if the contract is extended, is contingent upon the City Auditor certifying funds are available for this purpose.

Mendes/Tulloch/LAD

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-102: General Requirements Contract 2003C - Mechanical Systems Contract.

(See memorandum from Scott Tulloch dated 1/29/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1073)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for General Requirements Contract 2003C - Mechanical Systems Contract on Work Order No. 461190;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for as-needed construction services for a \$50,000 minimum, not to exceed the value of \$1,000,000 for one year, with an option to extend the contract for up to one additional year and up to \$1,000,000 at the discretion of the City Manager or his authorized representative, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Fund Nos. 41506, 41508 and 41509 to provide funds for the General Requirements Contract 2003C - Mechanical Systems, as follows:

FY2003 = \$1,000,000

FY2004 = \$1,000,000 contingent on approval of the FY2004 operating budget,

provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department. (BID-K03113)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/5/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

SUPPORTING INFORMATION

For the last seven years, the City has entered into General Requirements Contracts (GRC), formerly referred to as Job Order Contracts (JOC) with various contractors. The main objective of the General Requirements Contract is to execute maintenance, repair, and emergency general engineering construction projects.

The projects identified for General Requirements Contracting will be assigned to one of three GRC contracts based on the type of work and location within the sewerage system. The three contracts include GRC 2003A - General Engineering; GRC 2003B - Building Modifications, and GRC 2003C - Mechanical Systems. This action is for approval to advertise and award the General Requirements Contract 2003C - Mechanical Systems in an amount not to exceed \$1,000,000 with an option to extend up to \$2,000,000.

Each General Requirements Contract is competitively procured. The contractor bids a factor or multiplier which is applied to all of the prices in a unit price book, which is part of the contract documents. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. The City is under no obligation to pay the contractor any more than a \$50,000 minimum contract obligation, and, therefore the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work. Further, the Department Director may use performance and adherence to the contract as criteria to extend the contract for up to an additional year and up to an additional \$1,000,000.

The specific tasks to be executed under this contract have not been identified. All tasks are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 Et Seq). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional tasks under this contract and such conduct shall be grounds for default by the City. The continuation of the General Requirements Contract will enable the Metropolitan Wastewater Department to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

FISCAL IMPACT:

Funds in the amount of \$1,000,000 for this contract are available in Fiscal Year 2003. Funds for an additional \$1,000,000, if the contract is extended, is contingent upon the City Auditor certifying funds are available for this purpose.

Mendes/Tulloch/LAD

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-103: Two actions related to Inviting Bids and Award of Contract for Sewer and Water

Group 675.

(See memorandum from Frank Belock, Jr. dated 12/4/2002. Peninsula and Roseville Community Areas. District-2.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-842)

Approving the plans and specifications and inviting bids for the Construction of Sewer and Water Group 675 on Work Order Nos. 174361/183931;

Authorizing the City Manager, after advertising for bids in accordance with the law, to establish contract funding phases, to award a contract to, and to execute a contract with the lowest responsible and reliable bidder for the Project, contingent upon (a) City Council approval of the expenditure of any additional Project funding that may become necessary as a result of the bid opening for the Project; (b) the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer; and (c) the passage of the FY 2004 Capital Improvement Program and Appropriations Ordinance Budgets;

Authorizing the expenditure of an amount not to exceed \$2,828,893.50 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$1,960,720.18 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the purpose of providing funds for the Project and related costs, contingent upon the passage of the FY 2004 Capital Improvement Program and Appropriations Ordinance Budgets, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Approving the use of City Forces on the Project, for the purpose of additional construction related to the Project for a cost not to exceed \$219,000 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, and \$12,200 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03535C)

Subitem-B: (R-2003-843)

Certifying that the Mitigated Negative Declaration LDR-42-0147, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et. seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Construction of Sewer and Water Group 675;

Declaring that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and that the Mitigated Negative Declaration LDR-42-0147 is approved;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 12/11/2002, NR&C voted 4 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, and Inzunza voted yea. Councilmember Madaffer not present.)

SUPPORTING INFORMATION:

Sewer and Water Group 675 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. The sewer and water mains being replaced in this project were constructed in the early 1900's and are approaching the end of their useful service life. This project is located in the Peninsula Community and consists of replacing approximately 7,568 feet (1.43 miles) of 8-inch and 6-inch sewer mains which includes 6,740 feet (1.28 miles) of concrete sewer pipe, and approximately 6,098 (1.15 miles) of 6-inch water main which includes 5,883 feet (1.11 miles) of cast iron pipe. Also, this project includes the construction of forty-three (43) pedestrian ramps and resurfacing of impacted streets.

The streets affected by construction operations within this project are: Akron Street, Bangor Street, Canon Street, Concord Street, Ullman Street, Valemont Street, and Trumbull Street, the alley between Ullman Street and Valemont Street, and the alley between Trumbull Street and Ullman Street. This project was presented to the Peninsula Community during the design phase by the Engineering & Capital Projects Department and future presentations will be given to the Peninsula Community prior to construction. Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering & Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices.

The contractor will be required to provide traffic control plans for the entire project area to the City of San Diego's Traffic Signal Design & Traffic Control Section for approval, with the exception of Canon Street. Traffic control plans for Canon Street have been developed and were approved by the City of San Diego's Traffic Signal Design & Traffic Control Section and will be provided to the contractor as part of the construction plans for Sewer and Water Group 675.

FISCAL IMPACT:

The total estimated cost of this project is \$4,789,613.68. Funds of \$2,828,893.50 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, which is scheduled to be phase funded in FY 2004, and funds of \$1,960,720.18 are available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, which is scheduled to be phase funded over FY 2004.

Loveland/Belock/HR

WWF-03-634.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-104: General Requirements Contract 2003A - General Engineering Contract.

(See memorandum from Scott Tulloch dated 1/29/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1071)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for General Requirements Contract 2003A - General Engineering Contract on Work Order No. 461190;

Authorizing the City Manager to execute a contract with the lowest responsible reliable bidder for as-needed construction services for a \$50,000 minimum, not to exceed the value of \$1,000,000 for one year, with an option to extend the contract for up to one additional year and up to \$1,000,000 at the discretion of the City Manager or his authorized representative, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under the contract are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$2,000,000 from Fund Nos. 41506, 41508 and 41509, solely and exclusively to provide funds for the General Requirements Contract 2003A - General Engineering, as follows:

FY2003 = \$1,000,000

FY2004 = \$1,000,000, contingent on approval of the FY2004 operating budget,

provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department. (BID-K03111)

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/5/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

SUPPORTING INFORMATION:

For the last seven years, the City has entered into General Requirements Contracts (GRC), formerly referred to as Job Order Contracts (JOC) with various contractors. The main objective of the General Requirements Contract is to execute maintenance, repair, and emergency general engineering construction projects.

The projects identified for General Requirements Contracting will be assigned to one of three GRC contracts based on the type of work and location within the sewerage system. The three contracts include GRC 2003A - General Engineering; GRC 2003B -Building Modifications, and GRC 2003C - Mechanical Systems. This action is for approval to advertise and award the General Requirements Contract 2003A - General Engineering in an amount not to exceed \$1,000,000 with an option to extend up to\$2,000,000.

Each General Requirements Contract is competitively procured. The contractor bids a factor or multiplier which is applied to all of the prices in a unit price book, which is part of the contract documents. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. The City is under no obligation to pay the contractor any more than a \$50,000 minimum contract obligation, and, therefore the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work. Further, the Department Director may use performance and adherence to the contract as criteria to extend the contract for up to an additional year and up to an additional \$1,000,000.

The specific tasks to be executed under this contract have not been identified. All tasks are executed in accordance with the California "Subletting and Subcontracting Fair Practices Act" (Public Contract Code Section 4100 Et Seq). Under this contracting system, a contractor that conducts or participates in bid shopping or bid peddling shall not receive any additional tasks under this contract and such conduct shall be grounds for default by the City. The continuation of the General Requirements Contract will enable the Metropolitan Wastewater Department to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

FISCAL IMPACT:

Funds, in the amount of \$1,000,000, for this contract are available in Fiscal Year 2003. Funds for an additional \$1,000,000, if the contract is extended, is contingent upon the City Auditor certifying funds are available for this purpose.

Mendes/Tulloch/LAD

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-105: Request for Additional Funding for Sewer and Water Group Job 539 for Change Order No. 1.

(See memorandum from Frank Belock dated 2/11/2003. Centre City and Barrio Logan Community Areas. Districts-2 and 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1117)

Approving Change Order No. 1, dated December 20, 2002, issued in connection with the contract between the City of San Diego and BRH-Garver, Inc., for the construction of Water and Sewer Group Job 539 (Project); approving the change therein set forth, amounting to a net increase in the contract price of \$1,506,358.45;

Authorizing an additional expenditure of an amount not to exceed \$1,183,276.39 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and additional expenditure of an amount not to exceed \$323,082.06 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the purpose of providing funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/19/2003, NR&C voted 4 to 0 to approve. (Councilmembers Lewis, Frye, Madaffer and Inzunza voted yea. Councilmember Zucchet not present.)

SUPPORTING INFORMATION:

Water & Sewer Group 539 is part of the City of San Diego's continuing Annual Water and Sewer Main replacement Program. Replacement of these deteriorated water and sewer mains will continue to provide the community with safe and reliable water and sewer service Council authorized an agreement with BRH-Garver, Inc., Document No. RR-294985, to provide construction services for Water & Sewer Group 539 which is currently in construction.

This request for additional funds will accommodate extra work for saw cutting and removal of paving greater than 8 inches in thickness and televising of sewer mains for sewer lateral identification. This request will also accommodate: microtunneling for sewer main replacement along Imperial Avenue to minimize contaminated soil costs and avoid utility conflicts, increased material and subcontractor costs, night work to accommodate traffic flow, and resurfacing of the intersection at 5th Avenue and Market Street to mitigate water main trenching impacts to the street surface. None of these items were included in the original contract scope.

FISCAL IMPACT:

The total cost of this project is \$7,524,939.20. Funding of \$6,018,580.75 was previously authorized by Council Resolution R-294985 and R-296223. This request is authorizing additional expenditures of \$323,082.06 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, and \$1,183,276.39 for Sewer Fund 41500, CIP-44-001.0, Annual Allocation - Sewer Main Replacement.

Loveland/Belock/HR

Aud. Cert. 2300966.

WWF-03-652.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-106: Request for Additional Funding for Sewer and Water Group 663 for Contract Change Order No. 4.

(See memorandum from Frank Belock, Jr. dated 2/26/2003. Old Town and Uptown Community Areas. Districts-2 and 3.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1163)

Approving the Change Order No. 4 dated January 30, 2003, issued in connection with the contract between the City of San Diego and Foss Environmental and Infrastructure, for the construction of Sewer and Water Group 663 (Project); and the change therein set forth, amounting to a net increase in the contract price of \$219,390.39;

Authorizing an additional expenditure of an amount not to exceed \$426,250.39 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, solely and exclusively, for the purpose of providing funds for the Project, and for

engineering and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/5/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

SUPPORTING INFORMATION:

Sewer and Water Group 663 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. Replacement of these deteriorated water and sewer mains will continue to provide the community with a safe and reliable sewer and water service. City Council authorized an agreement with Foss Environmental, Document No. RR-293054, to provide construction services. The subject project has completed construction, with the exception of the tunneling work across Caltrans and railroad right-of-way.

Contract Change Order No. 4 is a result of unforeseen obstructions encountered while tunneling a 30-inch steel casing pipe under the I-5 freeway. During the tunneling operations, the contractor encountered an unmarked unknown concrete obstruction beneath the freeway. Additional investigation and coordination with other agencies were performed and it was determined that the tunneling could continue through the obstruction with the use of larger tunneling equipment. However, when the contractor attempted to retrieve the original tunneling equipment, it was discovered that the casing could not be removed. After additional investigation and coordination to select a new tunneling method, it was determined that construction could proceed by using a larger casing to tunnel from the other side of the obstruction. The contractor purchased a 60-inch casing pipe in order to complete the tunneling work. Prior to beginning the work, it was determined that another utility was in vertical conflict with the larger casing pipe. This utility, which was not at the location shown on the as-built plans, could not be located by potholing or sonar research because of the proximity of existing railroad tracks. Further investigation and redesign will be required, including coordination with the SPAWAR facility; therefore the tunneling operation was canceled. The tunnel will be completed as a separate project. The 60-inch casing pipe, not used on this project, is planned for use on another City project - La Jolla PB Chelsea Trunk Sewer. This request for additional funds will accommodate increased costs resulting from the unmarked obstructions encountered during tunneling activities under the I-5 freeway as described in Contract Change Order No. 4, and additional engineering and related costs.

FISCAL IMPACT:

The total cost of this project is \$3,365,592.39. Funding of \$2,939,342 was previously authorized by Council Resolution R-293054 on May 1, 2000. This request is authorizing additional expenditure of \$426,250.39 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation -Sewer Main Replacement.

Loveland/Belock/HR

Aud. Cert. 2301004.

WWF-03-651.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-107: Carmel Valley Trunk Sewer Phase II Participation Agreement.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-994)

Authorizing the City Manager to execute a Participation Agreement with McMillin Construction Company, for the planning, design, and relocation of 450 feet of the Carmel Valley Trunk Sewer at the State Route 56 crossing;

Authorizing the expenditure of an amount not to exceed \$200,000 from Sewer Revenue fund 41506, Carmel Valley Trunk Sewer, CIP-46-136.0, for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION:

Developer on behalf of the City of San Diego will perform the design, permitting, construction, supervision, and completion of this portion of the Carmel Valley Trunk Sewer ("CVTS") Project which shall consist of relocating and upsizing approximately 450 linear feet of sewer main and appurtenant facilities. The points of connection to the system shall be at manhole number 79 and at manhole number 77 per drawing 31571-2-D. The sewer replacement was scheduled in the Capital Improvement Program, however acceleration of this portion of the project will remove conflicts with the State Route 56 bridge at the McGonigle stream crossing.

The Developer in conjunction with other environmental work, is able to complete the project within the Cal Trans time constraints. As a condition of Tentative Map No. 98-1177 for the Torrey Highlands project, the Developer must participate in the cost of upgrading the Carmel Valley Trunk Sewer through a Facilities Benefit Assessment ("FBA"). Because the project is accelerated the condition will be met by completing the work under this Agreement, and the Developer will pay their fair shares per the FBA as building permits are pulled.

Staff recommends reimbursement to the Developer an amount not to exceed \$200,000.00, provided the work is completed to the satisfaction of the City Engineer and MWWD's Wastewater Operations Division.

FISCAL IMPACT:

The total Estimated Cost of this project is \$200,000.00. Funding is available for this project in Sewer

Fund 41506, CIP-46-136.0.

Ewell/Christiansen/KB

Aud. Cert. 2200740.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-108: Agreement with Little Italy Association for Administration of Maintenance Service for Little Italy Maintenance Assessment District.

(Centre City Community Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1097)

That the City Manager be and is hereby authorized and empowered to execute, for and on behalf of said City, an agreement with Little Italy Association, for administration of Contracts for Goods and Contracts for Service for the Little Italy Maintenance Assessment District for a period of one year in accordance with San Diego Municipal Code section 65.0212, under the terms and conditions set forth in the Agreement on file in the Office of the City Clerk;

That the expenditure of an amount not to exceed \$43,072 (\$15,075 from Fund 70261, Dept. 70261, Org. 2000, Acct. 4151, J.O. 002000 and \$27,997 from Fund 70261, Dept. 70261, Org. 2050, Acct. 4151, J.O. 02050), is hereby approved for the purpose of providing administration services from January 1, 2003 through December 31, 2003.

SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a 1-year agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On August 7, 2000, the property owners in the Little Italy Maintenance Assessment District (District) request their contracts to be administered by the "Little Italy Association" (Association). The Association has managed contracts satisfactorily since the District was formed, and wishes to continue the current agreement with the Association which is from January 1, 2002 through December 31, 2002.

This action will authorize the City Manager to sign and continue the agreement between the City and the Association for a period of one year beginning on January 1, 2003 end ending on December 31, 2003.

1. The Association will administer Contracts for Goods and Contracts for Service and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Engineer's Report for the Little Italy Maintenance Assessment District.
2. The Association will perform all duties as set forth in the Agreement under Article I, section B, referred to as specific requirements. The Association will be reimbursed for these services within fifteen (15) working days from the receipt of properly prepared reimbursement requests.
3. The Association will be compensated for administration in an amount not to exceed 15% of the adopted FY03 budget. The maximum compensation amount is currently \$43,072 (or \$3,589 per month) over the period of the Agreement.

FISCAL IMPACT:

Funds are available in the Little Italy Maintenance Assessment District (Fund 70261) to reimburse the Association for maintenance services and to compensate it for administration.

Auditor Certificate # AC2300959

Herring/Oppenheim/BKB

NOTE: This activity is exempt from CEQA pursuant to Section 15061 (b)(1) as defined by State CEQA Guidelines ("not a project") Section 15378.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-109: Agreement with Central Commercial District Revitalization Corporation for Administration of Maintenance Service for Central Commercial Maintenance Assessment District.

(Sherman Heights Community Plan Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1068)

That the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, an agreement with the Central Commercial District Revitalization Corporation, for administration of Contracts for Goods and Contracts for Services from the Central Commercial Maintenance Assessment District for a period of one year in accordance with San Diego Municipal Code section 65.0212, under the terms and conditions set forth in the Agreement on file in the Office of the

City Clerk;

That the expenditure of an amount not to exceed \$32,520 from Fund No. 70260 is authorized for the purpose of providing funds for administration services with the Central Commercial District Revitalization Corporation beginning February 1, 2003 through January 31, 2004.

SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a 1-year agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On August 7, 2000, the property owners in the Central Commercial Maintenance Assessment District (District) requested their contracts to be administered by the "Central Commercial District Revitalization Corporation" (Corporation). The Corporation has managed the contracts satisfactorily since the District was formed, and wishes to continue. The current agreement with the Corporation is from February 1, 2002 through January 31, 2003.

This action will authorize the City Manager to sign and continue the Agreement between the City and the Corporation for a period of one year beginning on February 1, 2003 and ending on January 31, 2004.

1. The Association will administer Contracts for Goods and Contracts for Services and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Engineer's Report for the Central Commercial Maintenance Assessment District.
2. The Corporation will perform all duties as set forth in the Agreement under Article I, section B, referred to as specific requirements. The Corporation will be reimbursed for these services within fifteen (15) working days from the receipt of property prepared reimbursement requests.
3. The Corporation will be compensated for administration in an amount not to exceed 15% of the adopted FY03 budget which is currently \$32,520 (or \$2,710.00 per month) over the period of the Agreement.

FISCAL IMPACT:

Funds are available in the Central Commercial Maintenance Assessment District (Fund 70260) to reimburse the Corporation for maintenance services and to compensate it for administration.

Auditor Certificate # AC2300938

Herring/Oppenheim/BKB

NOTE: This activity is exempt from CEQA pursuant to Section 15061 (b)(1) as defined by State CEQA Guidelines ("not a project") Section 15378.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-110: Ratification of Award to Lease Various Heavy Duty Equipment Per Bid No. 5283-02-B.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1151)

Accepting the low bidders meeting specifications of Clairemont Equipment Company, San Diego, California (Items 1 and 2) and Hawthorne Machinery Company, San Diego, California (Item 3), and ratifying the awarded contracts for furnishing lease of various heavy duty equipment, as may be required for a period of one year beginning July 15, 2002, through July 14, 2003, for a total estimated cost of \$1,230,400 terms net 30 days for both companies; with options to renew the contract for four additional one year periods; with price escalations for Hawthorne Machinery Company not to exceed 3.5 percent, and with price escalations for Clairemont Equipment Company not to exceed the manufacturer's price increase, of prices in effect at the end of each prior contract year;

Authorizing the City Manager to award their items to the next low bidder meeting specifications in the event either Contractor fails to perform in accordance with the contract specifications;

Authorizing an additional expenditure of approximately \$288,000, from Fund No. 41200, Department No. 752, Organization No. 3101, Object Account No. 4685, and Job Order Nos. 002314 and 002315, for providing funds for said contract;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-5283-02-B)

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is required to ratify the award of contracts to Clairemont Equipment Company and Hawthorne Machinery Company for the lease of various heavy duty equipment, Bid No. 5283-03-B. These heavy duty tractor bulldozers are leased by Environmental Services, Refuse Services Division, at the Miramar Landfill.

At time of contract award by the Purchasing Agent, only six (6) units were scheduled to be leased from Clairemont Equipment Company at the estimated cost of \$942,000. However, the Environmental Services has identified that two (2) additional units are required during Fiscal Year 2003 to increase landfill capacity, for an additional estimated annual cost of \$288,000. The initial six (6) units are replacement units for similar pieces of equipment which had been leased by the Environmental Services, Refuse Services Division, and for which the lease contract expired June 30,

2002.

Twenty (20) potential bidders were contacted and two (2) bids were received per the tabulation. On July 9, 2002, the low bidders meeting specifications, of Clairemont Equipment Company, San Diego, CA (Items 1 and 2), and Hawthorne Machinery Company, San Diego, CA (Item 3), were accepted and the subject contracts were awarded as requirements contracts for a period of one (1) year beginning July 15, 2002 through July 14, 2003, for a total estimated cost of \$942,000 in FY 2003; with options to renew the contract for four (4) additional one (1) year periods; with price escalations for Hawthorne Machinery Company not to exceed 3.5% of prices in effect at the end of each prior contract year, and with price escalations for Clairemont Equipment Company not to exceed the manufacturer's price increase.

Given the additional lease requirement, the total estimated lease cost amounts to \$1,230,400. This sum does not include costs of repairs for potential damage caused by City employees. Additional funds will be made available by the Environmental Services Department, as may be required, to pay for additional repairs.

In the event either of these vendors fails to perform in accordance with contract specifications, the City Council is requested to authorize the City Manager to award their items to the next low bidder meeting specifications.

FISCAL IMPACT:

Additional Estimated FY 2003 Lease Cost: \$288,000. Total Estimated Annual Lease Cost: \$1,230,400.

Mendes/Baldwin/MW

Aud. Cert. 2301018.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-111: Kiddie Hall Construction Funds.

(See City Manager Report CMR-03-056.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1030)

Authorizing the expenditure of \$54,000 from the Water Department Fund 41500 to be allocated for the Kiddie Hall City Employees Child Care Center's outdoor restroom on the playground.

CITY MANAGER SUPPORTING INFORMATION:

The Kiddie Hall City Employees Child Care Center located at 600 B Street, 3rd floor, opened on December 2, 2002. The original license is for 68 children pending the completion of the downstairs playground.

The Kiddie Hall Center requires additional tenant improvement expenditure of \$54,000 for the outdoor restroom on the playground. Funding has been identified in Water Department Fund 41500. Kiddie Hall will serve 140 children ages birth through 5 years with private kindergarten available for September. For more information contact Deb Ferrin, Child Care Coordinator at 533-6511.

FISCAL IMPACT:

The Kiddie Hall Child Care Center requires an additional \$54,000 from the Water Department Fund 41500 allocation for an outdoor restroom in playground.

Herring/Cunningham/DF

Aud. Cert. 2300896.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-112: Cancellation of Public Safety and Neighborhood Services Committee Meeting of April 9, 2003.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1166)

Amending the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2003 through December 31, 2003, to cancel the Public Safety and Neighborhood Services Committee meeting of Wednesday, April 9, 2003 at 2:00 p.m.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-113: Appointment of Management Team for Purpose of Meeting and Conferring with

Employee Organizations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1138)

Appointing and designating the following persons as the Management Team, pursuant to the Meyers-Milias-Brown Act (Act), the Charter of the City of San Diego and Council Policy 300-6, for purposes of meeting and conferring with recognized employee organizations:

Michael T. Uberuaga, City Manager
P. Lamont Ewell, Assistant City Manager
Cathy Lexin, Human Resources Director
Alejandro Ruiz, Labor Relations Manager
Gloria Chavez, Labor Relations Officer
Michael McGhee, Labor Relations Officer
Elmer Heap, Deputy City Attorney
Sharon Marshall, Deputy City Attorney
Michael Rivo, Deputy City Attorney

Appointing and designating the Personnel Director and the Retirement Administrator as members of the Management Team, pursuant to the above-cited provisions of law and Council Policy, for all purposes except meeting and conferring with employee organizations.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the provisions of California Government Code Section 3500 et seq., commonly referred to as the Meyers-Milias-Brown Act (MMBA), the City Council has adopted Council Policy 300-6 which provides the rules and regulations governing employer-employee relations. Contained in MMBA and Council Policy 300-6 is the authority for the City Council to designate a Management Team as its representative to carry out the meet and confer process.

As a result of recent changes in personnel, it is recommended that the resolution be adopted which designates the following persons as the Management Team for purposes of meeting and conferring with employee organizations: Michael T. Uberuaga, City Manager; P. Lamont Ewell, Assistant City Manager; Cathy Lexin, Human Resources Director; Alejandro Ruiz, Labor Relations Manager; Gloria Chavez, Labor Relations Officer; Michael McGhee, Labor Relations Officer; Elmer Heap, Deputy City Attorney; Sharon Marshall, Deputy City Attorney; Michael Rivo, Deputy City Attorney; and that the Personnel Director and Retirement Administrator be appointed as members of the Management Team, pursuant to Council Policy 300-6 for all purposes except meeting and conferring with organizations.

FISCAL IMPACT:

None.

Ewell/Lexin

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-114: Riford/La Jolla Library Benefactors' Day Honoring Mrs. Harle Montgomery.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1148)

Commending Mrs. Harle Montgomery for her generous and loyal commitment to the Riford/La Jolla Library;

Proclaiming April 6, 2003 to be "Riford/La Jolla Library Benefactors' Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-115: Riford/La Jolla Library Benefactors' Day Honoring Dr. Irwin Jacobs and Mrs. Joan Jacobs.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1147)

Commending Dr. and Mrs. Jacobs for their outstanding efforts on behalf of the Riford/La Jolla Library;

Proclaiming April 6, 2003 to be "Riford/La Jolla Library Benefactors' Day" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON NATURAL RESOURCES, AND CULTURE,

ORDINANCE TO BE INTRODUCED:

ITEM-150: Amending the San Diego Municipal Code to Authorize Forfeiture of Nuisance Vehicles Engaged in Illegal Motor Vehicle Speed Contests or Exhibitions of Speed.

(See City Attorney Report dated 2/14/2003 and Report dated 3/17/2003, this report was not available at Committee).

TODAY'S ACTION IS:

Introduce the ordinance in either Alternative A or Alternative B:

(O-2003-106)

Alternative A

Introduction of an Ordinance amending Chapter V, Article 2, of the San Diego Municipal Code by adding a new Division 53, titled "Forfeiture of Nuisance Vehicles Engaged in Illegal Motor Vehicle Speed Contests or Exhibitions of Speed;" and by adding new Sections 52.5301, 52.5302, 52.5303, 52.5304, 52.5305, 52.5306, 52.5307, 52.5308, 52.5309, 52.5310, 52.5311, 52.5312, 52.5313, 52.5314, 52.5315, 52.5316, 52.5317, 52.5318, 52.5319, 52.5320, 52.5321, 52.5322, 52.5323, 52.5324, to authorize the civil forfeiture of nuisance vehicles used in motor vehicle speed contests or exhibitions of speed and to authorize forfeiture only if the registered owner of the vehicle is the driver or a passenger at the time of the offense which caused the vehicle to be subject to forfeiture.

Or

Alternative B

Introduction of an Ordinance amending Chapter V, Article 2, of the San Diego Municipal Code by adding a new Division 53, titled "Forfeiture of Nuisance Vehicles Engaged in Illegal Motor Vehicle Speed Contests or Exhibitions of Speed;" and by adding new Sections 52.5301, 52.5302, 52.5303, 52.5304, 52.5305, 52.5306, 52.5307, 52.5308, 52.5309, 52.5310, 52.5311, 52.5312, 52.5313, 52.5314, 52.5315, 52.5316, 52.5317, 52.5318, 52.5319, 52.5320, 52.5321, 52.5322, 52.5323, 52.5324, to authorize the civil forfeiture of nuisance vehicles used in motor vehicle speed contests or exhibitions of speed and to authorize forfeiture even when the registered owner is not the driver or passenger in the vehicle at the time of the offense.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/19/2003, NR&C voted 5 to 0 to accept the City Attorney's report including exhibit "A" and forward the matter to the City Council with the following direction:

- A. Work with the Rules, Finance and Intergovernmental Relations Committee on drafting a letter to Assemblymember Kehoe regarding her proposed legislation by requesting that the State allow local jurisdictions to have local authority to enact their own forfeiture ordinances.

- B. City Attorney to provide definitions of Vehicle Code sections which are described in the City Attorney's ordinance along with an example of how forfeiture matters will proceed.
- C. Direct the City Attorney to prepare options which will allow for the forfeiture of vehicles beyond that of "registered owners."

(Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

SUPPORTING INFORMATION:

For the background and circumstances leading to the City Attorney's proposal of this ordinance, presented initially as Alternative A, see City Attorney's Report to the Natural Resources and Culture (NR&C) Committee dated February 14, 2003. For further discussion and explanation of the development of the Alternative B ordinance, see City Attorney's Report to the City Council dated March 12, 2003. That report also addresses the issues raised by the NR&C at its February 19, 2003 meeting.

Gwinn/Loveland/KK

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTION:

ITEM-151: Public Contract Operations (Bid-to-Goal) O&M Division: Amendment 2.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-922)

Ratifying the Memorandum of Understanding for the Bid to Goal Public Contract Operations Agreement;

Authorizing the City Manager to accept and approve a responsible second amended Metropolitan Wastewater Department Operations and Maintenance Division Labor/Management Partnership Bid in connection with the operation and maintenance of the Metropolitan Sewerage System.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/5/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

SUPPORTING INFORMATION:

In 1998, City Council authorized a pilot Bid-to-Goal Agreement with the Metropolitan Wastewater Department (MWWD) Operations and Maintenance (O&M) Labor-Management Partnership for the

operation and maintenance of certain wastewater treatment facilities through Fiscal Year 2003. In FY2000, Amendment 1 to this agreement was authorized to add remaining City of San Diego wastewater treatment infrastructure. Since its inception, the Bid-to-Goal Program has demonstrated impressive success as a strategy to optimize public sector service delivery utilizing appropriate features of both the public and private sectors. Through the initial five years of this Agreement, the MWWD O&M Division has significantly improved efficiency (operating at an estimated \$90 million savings below pre-Agreement projections), while maintaining full regulatory compliance, receiving Association of Metropolitan Sewerage Agencies (AMSA) platinum and gold awards for performance, and becoming the first U.S. publicly-operated wastewater treatment facility to achieve ISO-certification for its Environmental Management System. In FY2002, the O&M Bid-to-Goal Program received the International City/County Managers Association (ICMA) Program Excellence Award for Innovations in Local Government Management. This document requests authorization of Amendment 2, a four-year extension (FY2004 -FY2007) of the basic existing O&M Bid-to-Goal Agreement. Relevant support and oversight are listed below:

1. In accordance with the established Bid-to-Goal methodology, an independent industry expert reviewed the terms of Amendment 2 and determined the proposed Bid to be in the competitive range for providing efficient operations and maintenance of the specified facilities;
2. The American Federation of State, County, and Municipal Employees (Local 127) and the San Diego Municipal Employees Association serve as an integral part of the O&M Labor-Management Partnership and support the City Manager's Recommendation;
3. The City of San Diego's Optimization Advisory Panel, the Metro Commission, and the Public Utilities Advisory Commission have received presentations concerning Amendment 2 and have voted unanimously to support the City Manager's Recommendation.

FISCAL IMPACT:

Continuation of the MWWD O&M Public Contract Operations Agreement is projected to yield estimated annual savings of \$18 million compared to projections prior to implementing the existing MWWD O&M Bid-to-Goal Agreement and related optimizations.

Mendes/Tulloch/JNH

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS RESOLUTIONS:

ITEM-200: Consultant Agreement - University City North/South Corridor Study.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1141)

Authorizing the City Manager to execute a phase funded agreement with Project Design Consultants to provide professional consulting services related to the University City North/South Transportation Corridor Project (Project);

Authorizing the expenditure of an amount not to exceed \$1,773,300, solely and exclusively for the purpose of providing funds for the Project, and provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under said Project are, or will be, on deposit in the City Treasury as follows:

- A. Funds for Phase I of the Project, in Fiscal Year 2003, in the amount of \$1,120,300, of which \$620,300 is from CIP-52-044.0, Regents Road Bridge, Fund 79001 and \$500,000 is from CIP-52-458.0, Genesee Avenue - Nobel Drive to State Route 52, Fund 79001.
- B. Funds for Phase II of the Project, in Fiscal Year 2004, in the amount of \$653,000 of which \$300,000 is from CIP-52-044.0, Regents Road Bridge, Fund 79001 and \$353,000 is from CIP-52-458.0, Genesee Avenue - Nobel Drive to State Route 52, Fund 79001, contingent upon the approval of Fiscal Year 2004 North University City Facility Financing Plan and Fiscal Year 2004 Capital Improvements Plan Budget.

CITY MANAGER SUPPORTING INFORMATION:

The University City North/South Transportation Corridor project is being proposed as a means of improving traffic circulation within the University community area. Two of the projects identified in the University Community Plan are the widening of Genesee Avenue between Nobel Drive and State Route 52 and the construction of a bridge over Rose Canyon connecting the northern and southern portions of Regents Road. At the University Community Planning Group meeting in June of 2002, the community identified potential areawide network solutions to meet traffic circulation needs in addition to or in place of the two previously mentioned. This project will study a range of alternatives proposed by the community as well as the original projects identified in the community plan. An important component of this study requires significant public outreach and stakeholder involvement. A working group consisting of representatives from residential, commercial and environmental interest will be formed and will participate in the identification and ranking of various alternatives. The first phase of this project will include professional services needed for a traffic study such as phasing components, trip linkage differences, attractors & generators, and traffic simulation. Also included are the preliminary engineering of different alternatives and planning level construction cost estimates. The second phase will consist of the preparation of an environmental document.

FISCAL IMPACT:

The maximum expenditure under the terms of this Agreement is \$1,773,300. The agreement is phase funded and funds for Phase I are available from CIP-52-044.0 - Regents Road Bridge, Fund 79001 (\$620,300) and from CIP-52-458.0 - Genesee Avenue-Nobel Drive to State Route 52, Fund 79001 (\$500,000). It is anticipated that funds for Phase II will be available in Fiscal Year 2004 in the amount of \$300,000 from CIP-52-044.0 - Regents Road Bridge, Fund 79001 and \$353,000 from CIP-52-458.0 - Genesee Avenue-Nobel Drive to State Route 52.

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Aud. Cert. 2301015.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-201: Amendment to the Undergrounding of Utilities 2003 Calendar Year Annual Allocation, and Deletion of Council Policy 600-08.

(Continued from the meeting of March 3, 2003, Item S405, at the request of the City Manager because of a noticing defect.)

(La Jolla, Ocean Beach, City Heights, Chollas View, South Encanto and Jamacha Community Areas. Districts 1, 2 & 4)

NOTE: Public testimony is open. There was no Public Testimony taken on March 3, 2003.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1006 Cor. Copy)

A Resolution modifying the list of Underground Utility Districts in the 2003 Calendar Year Annual Allocation and deleting Council Policy 600-80.

CITY MANAGER SUPPORTING INFORMATION:

The proposed action to amend the 2003 annual allocation is made at the request of Council Districts 1, 2 and 4 and is in accordance with Council Policy 600-08. The formation of Underground Utility Districts require that it become the responsibility of individual property owners for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. Prior to January 2002, property owners could seek relief per Council Policy 800-02 "Underground Program-Use of Case 8209 Funds for Conversion Work on Private Property." This policy provided for use of CPUC 8209 funds to reimburse property owners up to a maximum of \$35 per linear foot for trenching and conduit, plus an additional amount of up to \$1,000 for panel conversion work. Even with these reimbursements, most property owners incurred non-reimbursed out of pocket expenses.

As of January 2002, SDG&E now offers property owners within Underground Utility Districts, to perform all necessary work to convert private property, including necessary conduits for telephone and cable facilities at no cost to property owners, provided property owners sign a Permit to Enter

form allowing SDG&E on their property. Having the reimbursement program active is counterproductive to the very reasons SDG&E has offered to perform this work. Thus, the Council Policy allowing these reimbursements should be eliminated. Projects Euclid Avenue from Trinidad Way to Manzanares Way and Princess Street from Spindrift Drive to Torrey Pines Road activities are not exempt from CEQA, but has been evaluated and an environmental document has been prepared in compliance with CEQA (see LDR-42-0642). The 1472 “Various Underground Utility Districts with Mitigation Monitoring Reporting Program” is requesting to certify LDR-42-0642 which includes both projects.

FISCAL IMPACT: None with this action.

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ADOPTION AGENDA, DISCUSSION, HEARINGS
NOTICED HEARINGS:

ITEM-202: Various CPUC 20A Underground Utility Districts.

(Various Community Areas. Districts-All.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1002 Cor. Copy)

Establishing underground utility districts financed through SDG&E Annual Allocation Funds (Case 8209).

CITY MANAGER SUPPORTING INFORMATION:

The proposed districts are identified in CIP-37-028.0, “Annual Allocation - Undergrounding of City Utilities,” and will underground the overhead utility facilities within the designated districts.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including

necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form.

FISCAL IMPACT:

The construction cost estimated at \$23,629,050 and the other indirect costs such as street light replacement, tree replacement, street improvement, minor City forces, archaeological monitoring and other related work estimated at \$7,412,761, will be financed through the City of San Diego Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Loveland/Belock/PB

ADOPTION AGENDA, DISCUSSION, HEARINGS
NOTICED HEARINGS:

ITEM-203: Various Surcharge Funded Underground Utility Districts.

(All Community Areas. Districts-All.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1005)

Establishing underground utility districts financed through the City of San Diego undergrounding surcharge fund.

CITY MANAGER SUPPORTING INFORMATION:

The proposed districts are identified in CIP-37-028.0, "Annual Allocation - Undergrounding of City Utilities," and will underground the overhead utility facilities within the designated districts.

The formation of these districts will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead electric facilities within the right-of-way will be financed through City of San Diego Undergrounding Surcharge Fund 30100, contingent upon receipt of funds from San Diego Gas & Electric. The expense of the underground installation and removal of overhead facilities within the right-of-way for all other utilities will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s) within the

Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities, at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form.

FISCAL IMPACT:

The construction cost estimated at \$23,629,050 and the other indirect costs such as street light replacement, tree replacement, street improvement, minor City forces, archaeological monitoring and other related work estimated at \$7,412,761, will be financed through the City of San Diego Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

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PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivision:

SUBDIVISION

Torrey Hills Unit No. 11
Carmel Valley Neighborhood 4 Unit 10

COMMUNITY AREA

Sorrento Hills
North City West

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT